

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

OZHAWAASKOO GIISHIG,

Civil No. 09-3647 (MJD/AJB)

Plaintiff,

v.

REPORT AND RECOMMENDATION

DEBRA JAMES, et al.,

Defendants.

This matter is before the undersigned United States Magistrate Judge for the purpose of determining whether Plaintiff has complied with the order that was entered in this case on February 4, 2010. (Docket No. 12.) That order directed Plaintiff to submit a properly completed marshal service form, (USM-285), for each named Defendant in this action. The order also expressly informed Plaintiff that if he did not submit his marshal service forms by March 5, 2010, he would be deemed to have abandoned this action, and the Court would recommend that the action be summarily dismissed for failure to prosecute.

The deadline by which Plaintiff was required to submit his marshal service forms has now passed, and Plaintiff has not submitted any such forms, nor has he offered any excuse for his failure to do so. Therefore, in accordance with the Court's prior order, it is now recommended that Plaintiff be deemed to have abandoned this action, and that the action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). See Henderson v. Renaissance Grand Hotel, 267 Fed.Appx. 496, 497 (8th Cir. 2008) (unpublished opinion) (“[a] district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure

to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order”); Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962) (federal court has inherent authority to “manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases”).

RECOMMENDATION

Based upon the above, and upon all the records and proceedings herein,

IT IS HEREBY RECOMMENDED that:

This action be **DISMISSED WITHOUT PREJUDICE**.

Dated: March 25, 2010

s/ Arthur J. Boylan
ARTHUR J. BOYLAN
United States Magistrate Judge

Pursuant to Local Rule 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and by serving upon all parties, written objections which specifically identify the portions of the Report to which objections are made and the bases for each objection. This Report and Recommendation does not constitute an order or judgment from the District Court and it is therefore not directly appealable to the Circuit Court of Appeals. Written objections must be filed with the Court before April 8, 2010.